

PUBLIC HEARING AGENDA REQUEST

Owners/Applicants:

W. Robert Gaines, Trustee, Owner
Angler Development, LLC, Applicant

Board of Supervisors**Meeting Date:**

March 15, 2004

Staff Lead:

Elizabeth A. Cook, Chief of Planning

Department:

Community Development

Magisterial District: Scott

PIN:

Service District: New Baltimore

7916-22-4949-000

7916-12-8941-000

Topic:

Consider Comprehensive Plan Amendment CPA03-S-09 and Rezoning Request RZ03-S-17 – Bishop's Run

Topic Description:

The subject property is within the New Baltimore Service District Plan and planned for Low Density Residential Up to 1 Dwelling Per Acre, Mixed Use Neighborhood: Planned Commercial & Up to 3 Dwelling Units Per Acre, and Commercial Neighborhood. The site encompasses 62.8901 acres; with 31.3806 acres zoned Residential (R-1) and 31.5095 acres zoned Commercial - Neighborhood (C-1). The applicant proposes to create a mixed-use community by retaining approximately 9.14 acres of the existing C-1 zoning and rezoning the balance of the property to Residential (R-4) Conventional and Cluster.

To permit the development as proposed, the applicant is seeking a Comprehensive Plan Amendment to change the land use designations from Low Density Residential, Commercial Neighborhood, and Mixed Use Neighborhood Up to 3 Dwellings Per Acre to a new land use designation of Low Density Residential up to 3 Dwellings Per Acre (single-family attached permitted). The applicant also wishes to rezone ±53.75 acres from R-1 and C-1 to R-4 and to retain 9.14 acres of C-1, which has been made subject to the Concept Development Plan and Proffer Statement.

Requested Action of the Board of Supervisors:

Hold a public hearing and consider postponing action.

Project Update:

On January 20, 2004, the Board of Supervisors held a public hearing on the proposed Comprehensive Plan Amendment and Rezoning request. At that time, the Board postponed action on the applications to allow time for refinements to the proposed development. Subsequently, the applicant has made significant modifications to the proposal, which are outlined below. Following is a brief analysis of the current proposal compared to the January submission.

March 4, 2004 Proffers:	January 7, 2004 Proffers:
Maximum 123 single-family dwellings:	Maximum 148 single-family dwellings:
<ul style="list-style-type: none"> • ± 46 single-family detached units – unit mix may vary by 15 units. 	<ul style="list-style-type: none"> • ± 69 single-family detached units – unit mix may vary by 10 units.
<ul style="list-style-type: none"> • ± 77 single-family attached – carriage houses. 	<ul style="list-style-type: none"> • ± 79 single-family attached – townhouses.
Single-family density 1.96 du/ac.	Single-family density 2.35 du/ac. (Without Cosner 2.23 acres for Fire & Rescue site.)
Optional 20 apartments above commercial – maximum one-bedroom units with lofts.	Optional 20 apartments above commercial – maximum two bedroom units.
Overall project density 2.27 du/ac.	Overall project density 2.67 du/ac. (Without Cosner 2.23 acres for Fire & Rescue site.)
65,000 sq. ft. commercial/retail.	65,000 sq. ft. commercial/retail.
Fire & Rescue site – 3.0 acres at southern boundary of property.	Fire & Rescue site – 5.5 acres at north boundary of development includes on and off site property.
<ul style="list-style-type: none"> • \$32,670 per acre assessed value credit for 3 acres or \$98,010. Property is currently in land use. 	<ul style="list-style-type: none"> • \$560,624 requested credit for 5.5 acres.
<ul style="list-style-type: none"> • No credit requested for construction of water line & fire hydrant to Fire & 	<ul style="list-style-type: none"> • \$35,000 requested credit for construction of water line & fire hydrant to property.

Rescue property.	
<ul style="list-style-type: none"> No credit requested for construction of sewer line to Fire & Rescue property line. 	<ul style="list-style-type: none"> \$45,000 requested credit for construction of sewer line.
<ul style="list-style-type: none"> No credit requested for clear and rough grade of pad site, erosion and sedimentation control for lot grading and future SWM for Fire & Rescue facility. 	<ul style="list-style-type: none"> \$25,000 requested credit for clear and rough grade 2-acre pad site.
\$14,730 per single-family unit at 28 th unit.	\$11,890 per single-family unit at 31 st unit.
\$25,000 to signalization of Rt. 29/Rt. 676 intersection.	\$25,000 to signalization of Rt. 29/Rt. 676 intersection.
\$1,200 per single-family unit at 28 th unit to "New Baltimore Transportation Escrow Fund" or \$115,200.	\$25,000 for improvements to Riley Rd. and/or Rt. 600.
\$0.50 per sq. ft. of commercial & apartment space or \$32,500 for 65,000 sq. ft.	No transportation contribution provided for commercial/apartment space.
Design and construction of right-turn and left-turn lanes at the property's entrances onto Riley Rd.	Design and construction of right-turn and left-turn lanes at the property's entrances onto Riley Rd.
No credit requested from County for WSA 12" water line extension.	\$125,000 requested credit for WSA 12" water line extension.
Low Density Residential area east side of Riley Rd. – density less than one unit per acre with 16 lots average size 25,000 sq. ft.	Low Density Residential area east side of Riley Rd. – 15 lots average size 30,000 sq. ft.
Limitation on some uses in C-1, but added automobile rental, indoor theatre, and bowling alley as possible uses.	Limited some C-1 uses by proffered condition.
50-foot undisturbed buffer along a portion of property eastern boundary adjacent to larger lots.	No buffer provided.
Addition of a landscape buffer along southern edge of VDOT	No buffer provided.

wetland band.	
Detailed building elevations provided for residential lots fronting onto Riley Road.	General building elevations provided.
No direct access to lots facing Riley Road from Riley Road.	Access not addressed.
Landscaping details along Riley Rd. proffered in 25-foot buffer.	25-foot landscape buffer provided.
±20-foot landscape buffer in existing Riley Rd. right-of-way, as permitted by VDOT.	Not provided.
Limited disturbance along Riley Rd. outside development area.	Not provided.
6-foot "natural trail" through 100-year floodplain with "low-water" bridge to connect to active recreation area.	4-foot trail along Riley Rd. shoulder.
±3-acre active recreation area shown on CDP and proffered.	Active recreation area not specifically identified.
Type I Soil Report from the Fauquier County Soil Scientist Office.	Not provided.
Single-family development phasing not less than 4 years from rezoning or 3 years from final subdivision plan approval.	Single-family development phasing not less than 4 years from rezoning approval.

The revised Concept Development Plan (CDP) is included as **Attachment 1**. **Attachment 2** is a copy of the applicant's March 4, 2004 Proffer Statement. The estimated value of the proposed cash contributions is \$1,488,770. This reflects the credit for the Fire and Rescue site based on the current assessed value without the land use program deduction. The Commissioner of the Revenue's office indicates that rollback taxes will be due on the property when it is developed.

Staff Analysis:

The applicant's March 4, 2004 Proffer Statement provides for a significant number of improvements, cash contributions, and a land dedication as summarized above. The current proffer package reflects revisions that address the balance of the needed refinements noted by the Planning Commission, discussed in the January Board of Supervisors' staff report, and

identified during the public hearing. For example, the monetary contributions reflect the full County Proffer Policy of \$14,730 per single-family unit beginning after the 27th by right unit. In addition, the applicant is no longer requesting a proffer credit for utility and site improvements to the Fire and Rescue facility site. The only credit requested is for the assessed value of the 3-acre Fire and Rescue site pursuant to the Proffer Policy. Today's assessed value of the C-1 property is \$32,500 per acre.

The applicant has proffered to limit the apartments to one-bedroom units. To help offset transportation impacts, the applicant has agreed to a \$.50 per square foot monetary contribution for the commercial and apartment space. The Board of Supervisors needs to consider whether or not the one-bedroom limitation, the Fire and Rescue site dedication, and the transportation proffer mitigate the impacts for the 20 apartments.

In addition to the transportation proffer of \$.50 per square foot of commercial and apartment space, the applicant has proffered, beginning with the 28th single-family unit, a \$1,200 cash contribution for transportation improvements. These funds would be placed in the "New Baltimore Transportation Escrow Fund" and applied to transportation improvements for the New Baltimore Service District. By designating the funds to this Transportation Escrow Fund, similar to the Brookside development, the funds will be available for leveraging with other transportation funds and funding sources.

The applicant has also proffered a series of graphic concepts, including the Town Center Mixed Use Complex, **Attachment 3**; the Large Lot Single Family Detached House Types, **Attachment 4**; Small Lot Single Family Detached House Types, **Attachment 5**; the Carriage Home House Types, **Attachment 6**; and the landscape buffers along Riley Road, **Attachment 7**. As proffered, the applicant has committed to be in general conformance with the building elevations and typical landscaping concepts shown in the above referenced illustrations. The applicant has indicated that building elevations for the carriage homes that do not back to an alley will be submitted. However, they have not been submitted to date.

Another outstanding project refinement has been addressed through the applicant's proposed location of a six (6) foot trail through the floodplain to connect the development to the sidewalk/trail along Riley Road and the active recreation area. This proposed trail would be developed to have limited impact on the floodplain and provide for a trail outside of the VDOT right-of-way in this section of the development.

Summary and Recommendation:

The applicant has submitted a revised Proffer Statement, Concept Development Plan, and various graphic illustrations of the architectural and landscape features, which address a significant number of the refinements needed for the proposed development.

While there may be minor refinements needed, the significant issue remaining for the Board of Supervisors' consideration is the appropriateness of the proposed Comprehensive Plan Amendment, and the resulting increase in density for this area of the New Baltimore Service District. Based on the Planning Commission's recommendation of denial, a resolution to deny the requests is provided for the Board of Supervisors' consideration.

However, if the Board wishes to approve the applications, staff would request time to prepare the appropriate ordinance with all the requisite references to the Concept Development Plan, Proffer Statement, and companion graphics. If the Board wishes to continue negotiating with the applicant, staff recommends that the Board postpone action and keep the public hearing open to allow for revisions to the applicant's proffer statement.

Attachments:

1. Revised Concept Development Plan
2. March 4, 2004 Proffer Statement
3. Town Center Mixed Use Complex
4. Large Lot Single Family Detached House Types
5. Small Lot Single Family Detached House Types
6. Carriage Homes House Types
7. Landscape buffers along Riley Road
8. January 20, 2004 Board Report